

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :  
:

-against- :  
:

JOHN J. O'BRIEN, : 11 Cr. 652 (HBP)

Defendant and : ORDER OF  
Judgment Debtor, : GARNISHMENT

and :  
:

SULLIVAN & CROMWELL, LLP, :  
:

Garnishee. :  
:  
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PITMAN, United States Magistrate Judge:

On or about July 19, 2018, the United States filed an application for a writ of garnishment. In response to a request from defendant, I held a conference in this matter on October 24, 2018 at which I ordered defendant to file his objections to the United States' application no later than November 15, 2018. Despite the passage of the better part of a year, defendant never filed any such objections.

In addition, on or about October 23, 2018, defendant moved pursuant to 28 U.S.C. § 3004(b)(2) to transfer venue of this proceeding to the United States District Court for the Eastern District of Pennsylvania (Docket Item 26). Despite being ordered to respond to this motion by December 6, 2018, the government failed to respond.

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Defendant's motion to change venue is denied. Despite the statutory language, transfer under Section 3004(b)(2) is not mandatory. United States v. Matthews, 793 F. Supp. 2d 72, 75 (D.D.C. 2011). Given the proximity of defendant's residence to the Southern District of New York, the familiarity of this Court with the matter, and the location of the garnishee, the interests of justice are best served by the matter remaining in this District. The Clerk of the Court is requested to mark Docket Item 26 closed.

Given defendant's default in responding to the application for writ of garnishment, the United States' application is granted.

Accordingly, it is

ORDERED, ADJUDGED AND DECREED that the garnishee shall pay the Clerk of the Court the cash surrender value of John J. O'Brien's interest in: (1) the Retirement Plan of Sullivan & Cromwell LLP; and (2) the Sullivan & Cromwell LLP Supplemental Retirement Plan, both of which are currently held by the garnishee on behalf of defendant, plus any accrued interest, by check made out to the "Clerk of the Court," and mailed to the

Cashier, United States District Court, Southern District of New York, Room 120, 500 Pearl Street, New York, New York 10007.

Dated: New York, New York  
September 27, 2019

SO ORDERED

  
HENRY PITMAN  
United States Magistrate Judge

Copy mailed to:

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All Counsel of Record